



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/905,573

07/13/2001

John Aram Safa

FORR 2275

2842

7812 7590 05/22/2008  
SMITH-HILL AND BEDELL, P.C.  
16100 NW CORNELL ROAD, SUITE 220  
BEAVERTON, OR 97006

EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

05/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/905,573	<b>Applicant(s)</b> SAFA, JOHN ARAM	
	<b>Examiner</b> MATTHEW T. HENNING	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-29,31-44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-29,31-44 and 46-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1 This action is in response to the communication filed on 2/28/2008.

2 **DETAILED ACTION**

3 ***Response to Arguments***

4 Applicant's arguments filed 2/28/2008 have been fully considered but they are moot in  
5 view of the new grounds of rejection presented below, which was necessitated by the  
6 amendments to the claim language.

7 All rejections and objections not set forth below have been withdrawn.

8 Claims 1-26, 30, and 45 have been cancelled and claims 27-29, 31-44, and 46-50 have  
9 been examined.

10 ***Claim Rejections - 35 USC § 103***

11 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
12 obviousness rejections set forth in this Office action:

13 *A patent may not be obtained though the invention is not identically disclosed or*  
14 *described as set forth in section 102 of this title, if the differences between the subject matter*  
15 *sought to be patented and the prior art are such that the subject matter as a whole would have*  
16 *been obvious at the time the invention was made to a person having ordinary skill in the art to*  
17 *which said subject matter pertains. Patentability shall not be negated by the manner in which*  
18 *the invention was made.*  
19

20 Claims 27-28, 32, 35-38, 40, 42-44, 46, and 48-49 are rejected under 35 U.S.C. 103(a) as  
21 being unpatentable over Altberg et al. (US Patent Number 6,353,928) hereinafter referred to as  
22 Altberg, and further in view of Hewitt (US Patent Number 6,308,184).

23 Regarding claim 27, Altberg disclosed a computer readable medium having an executable  
24 application recorded thereon (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the  
25 executable application comprising a program (See Altberg Fig. 2 Element 205 and Col. 6 Lines

Art Unit: 2131

41-43), one or more encrypted sub-routines (See Altberg Fig. 2 Element 220 File 1 – File N and Col. 6 Lines 1-3 and Col. 7 Lines 18-20), and a decryption routine (See Altberg Col. 7 Lines 21-25), wherein the program is executed in response to execution of the executable application by a computer system (See Altberg Col. 6 Lines 50-54), the program requires access to the sub-routines during execution (See Altberg Col. 6 Lines 63-65), and the decryption routine is operable during execution of the application to detect whether a required sub-routine is already available within the computer system (See Altberg Col. 7 Lines 7-10), to cause the program to use the sub-routine within the computer system if already available (See Altberg Col. 7 Lines 26-35), and to decrypt the required encrypted sub-routine into an executable form if the sub-routine is not already available within the computer system (See Altberg Col. 7 Lines 13-25), at least when access to the sub-routine is required by the program (See Altberg Col. 7 Lines 13-25), but Altberg failed to specifically disclose that the program was loaded into random access memory of the computer system to be executed, or that while the program was present in RAM loading the sub-routine available in the system or the decrypted sub-routine into the RAM for use by the program.

Hewitt teaches that it is typical that when an process (program) executing in RAM requests the use of a DLL file, the system checks to see if the DLL is available and if not it retrieves it from storage, and the DLL is loaded into RAM for use by the process (See Hewitt Col. 1 Lines 38-65).

It would have been obvious to the ordinary person skilled in the art at the time of invention to have employed the teachings of Hewitt in the DLL installation system of Altberg by loading the DLLs into RAM when requested by an application executing in RAM. This would

Art Unit: 2131

1 have been obvious because the ordinary person skilled in the art at the time of invention would  
2 have been motivated to make the DLLs available to applications in the manner typical of the art.

3       Regarding claim 37, Altberg disclosed a computer system operable to execute an  
4 executable application, the system including: first store means containing computer readable  
5 code representing the executable application (See Altberg Fig. 2 Element 205 and Col. 6 Lines  
6 41-43); second store means containing computer readable code representing one or more sub-  
7 routines (See Altberg Fig. 2 Element 215 and Col. 6 Paragraph 1); loading means operable to  
8 load the code of the executable application for execution (See Altberg Col. 6 Lines 50-65), the  
9 executable application comprising: a program which requires access to one or more sub-routines  
10 during execution (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the sub-routines  
11 required by the program in encrypted form (See Altberg Fig. 2 Element 220 File 1 – File N and  
12 Col. 6 Lines 1-3 and Col. 7 Lines 18-20); identifying means operable to identify the sub-routines  
13 required by the program during execution thereof (See Altberg Col. 7 Lines 7-10); and second  
14 loading means operable during execution of the application to load from the second store means  
15 the sub-routines identified by the identifying means (See Altberg Col. 7 Lines 26-35) and to  
16 decrypt and load one or more encrypted sub-routines in the event that sub-routines identified by  
17 the identifying means are not contained in the second store means (See Altberg Col. 7 Lines 13-  
18 25), but Altberg failed to specifically disclose that the program was loaded into random access  
19 memory of the computer system to be executed, or that while the program was present in RAM  
20 loading the sub-routine available in the system or the decrypted sub-routine into the RAM for  
21 use by the program.

Art Unit: 2131

1 Hewitt teaches that it is typical that when an process (program) executing in RAM  
2 requests the use of a DLL file, the system checks to see if the DLL is available and if not it  
3 retrieves it from storage, and the DLL is loaded into RAM for use by the process (See Hewitt  
4 Col. 1 Lines 38-65).

5 It would have been obvious to the ordinary person skilled in the art at the time of  
6 invention to have employed the teachings of Hewitt in the DLL installation system of Altberg by  
7 loading the DLLs into RAM when requested by an application executing in RAM. This would  
8 have been obvious because the ordinary person skilled in the art at the time of invention would  
9 have been motivated to make the DLLs available to applications in the manner typical of the art.

10 Regarding claim 43, Altberg disclosed a method of installing a piece of computer  
11 software, comprising: providing an executable application which includes a program, one or  
12 more encrypted sub-routines, and a decryption routine operable to decrypt the encrypted sub-  
13 routines into an executable form, wherein the program requires access to the sub-routines during  
14 execution and the decryption routine decrypts the encrypted sub-routines into an executable form  
15 at least when access is required by the program (See the rejection of claim 27 above), installing  
16 the executable application (See Altberg Col. 6 Lines 50-52), commencing execution of said  
17 program (See Altberg Col. 6 Lines 63-65), operating the decryption routine during execution of  
18 the application to decrypt the encrypted copy of the sub-routines (See Altberg Col. 7 Lines 13-  
19 25), and installing the decrypted copies of the sub-routines for access by said program (See  
20 Altberg Col. 7 Lines 13-25), but Altberg failed to specifically disclose that the program was  
21 loaded into random access memory of the computer system to be executed, or that while the

1 program was present in RAM loading the sub-routine available in the system or the decrypted  
2 sub-routine into the RAM for use by the program.

3 Hewitt teaches that it is typical that when an process (program) executing in RAM  
4 requests the use of a DLL file, the system checks to see if the DLL is available and if not it  
5 retrieves it from storage, and the DLL is loaded into RAM for use by the process (See Hewitt  
6 Col. 1 Lines 38-65).

7 It would have been obvious to the ordinary person skilled in the art at the time of  
8 invention to have employed the teachings of Hewitt in the DLL installation system of Altberg by  
9 loading the DLLs into RAM when requested by an application executing in RAM. This would  
10 have been obvious because the ordinary person skilled in the art at the time of invention would  
11 have been motivated to make the DLLs available to applications in the manner typical of the art.  
12

13 Regarding claim 49, Altberg disclosed a computer readable medium having an executable  
14 application recorded thereon, the executable application comprising a program, one or more  
15 encrypted sub-routines, and a decryption routine, wherein the program is executed in response to  
16 execution of the executable application, the program requires access to the sub-routines during  
17 execution, and the decryption routine is operable during execution of the application of the  
18 application to decrypt the encrypted sub-routines into an executable form at least when access to  
19 the sub-routines is required by the program (See the rejection of claim 27 above), and wherein  
20 the one or more sub-routines are shared sub-routines that may be accessed by a further program  
21 when decrypted (See Altberg Col. 7 Paragraph 1), but Altberg failed to specifically disclose that  
22 the program was loaded into random access memory of the computer system to be executed, or

Art Unit: 2131

1 that while the program was present in RAM loading the sub-routine available in the system or  
2 the decrypted sub-routine into the RAM for use by the program.

3 Hewitt teaches that it is typical that when an process (program) executing in RAM  
4 requests the use of a DLL file, the system checks to see if the DLL is available and if not it  
5 retrieves it from storage, and the DLL is loaded into RAM for use by the process (See Hewitt  
6 Col. 1 Lines 38-65).

7 It would have been obvious to the ordinary person skilled in the art at the time of  
8 invention to have employed the teachings of Hewitt in the DLL installation system of Altberg by  
9 loading the DLLs into RAM when requested by an application executing in RAM. This would  
10 have been obvious because the ordinary person skilled in the art at the time of invention would  
11 have been motivated to make the DLLs available to applications in the manner typical of the art.

12  
13 Regarding claims 28, 38, and 44, Altberg and Hewitt disclosed that the decryption routine  
14 is executed whenever the program is executed (See Altberg Col. 6 Lines 50-54).

15 Regarding claims 32, 40, and 46, Altberg and Hewitt disclosed that the decryption routine  
16 is operable to discriminate between different versions of a sub-routine and to decrypt an  
17 encrypted copy of a sub-routine in the event that the version of the encrypted sub-routine differs  
18 from the version of the sub-routine available within the system (See Altberg Abstract).

19 Regarding claims 35, 42, and 48, Altberg and Hewitt disclosed that the encryption and  
20 decryption include or consist of compression or decompression techniques (See Altberg Col. 7  
21 Lines 13-25).

22 Regarding claim 36, see the rejection of claim 27 above.



1           Claims 29, 31, 39, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
2   Altberg and Hewitt as applied to claim 27 above, and further in view of Caron et al. (US Patent  
3   Number 5,586,328), hereinafter referred to as Caron.

4           Altberg and Hewitt disclosed use of shared sub-routines in an application and installation  
5   of any shared sub-routines not already available (See the rejection of claim 27 above) but failed  
6   to specifically disclose how the shared sub-routines are located during runtime of the program.

7           Caron teaches that during initialization of an application an entry in an address table  
8   should be made to identify the location of a sub-routine, the address table being accessible by the  
9   program for locating sub-routines for access when required (See Caron Col. 12 Line 66 – Col. 13  
10   Line 27).

11           It would have been obvious to the ordinary person skilled in the art at the time of  
12   invention to employ the teachings of Caron in the installation system of Altberg and Hewitt by  
13   populating an address table with the locations of the required files. This would have been  
14   obvious because the ordinary person skilled in the art would have been motivated to provide a  
15   means for the application to located the required files during execution.

16           Claims 33-34, 41, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
17   Altberg and Hewitt as applied to claim 27 above, and further in view of Shen (US Patent Number  
18   6,611,850).

19           Altberg and Hewitt disclosed installation and execution of an application in which  
20   missing required files are installed (See Rejection of claim 27 above) but failed to disclose  
21   providing an encrypted backup copy of the application to be decrypted and installed in the event  
22   that the original application was missing or determined to be corrupt.

11 *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this  
Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).  
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16 A shortened statutory period for reply to this final action is set to expire THREE  
17 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO  
18 MONTHS of the mailing date of this final action and the advisory action is not mailed until after  
19 the end of the THREE-MONTH shortened statutory period, then the shortened statutory period  
20 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
21 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

1 however, will the statutory period for reply expire later than SIX MONTHS from the date of this  
2 final action.

3  
4 Any inquiry concerning this communication or earlier communications from the  
5 examiner should be directed to MATTHEW T. HENNING whose telephone number is  
6 (571)272-3790. The examiner can normally be reached on M-F 8-4.

7 If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
8 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the  
9 organization where this application or proceeding is assigned is 571-273-8300.

10 Information regarding the status of an application may be obtained from the Patent  
11 Application Information Retrieval (PAIR) system. Status information for published applications  
12 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
13 applications is available through Private PAIR only. For more information about the PAIR  
14 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR  
15 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16  
17 /Matthew T Henning/  
18 Art Unit 2131  
19 /Ayaz R. Sheikh/  
20 Supervisory Patent Examiner, Art Unit 2131